

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q92707

Yasuhiro Fujii, et al.

Appln. No.: 10/565,077

Group Art Unit: 1754

Confirmation No.: 3698

Examiner: Unknown

Filed: January 18, 2006

For: LITHIUM-NICKEL-MANGANESE COMPOSITE OXIDE, PROCESSES FOR PRODUCING
THE SAME, AND USE OF THE SAME

REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

ATTN: Office of Initial Patent Examination

Filing Receipt Correction

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We enclose a copy of the Official Filing Receipt for the above-identified application and request the following corrections:

Applicants:

Yasuhiro Fujii, Shunan-shi, Japan

Naoto Suzuki, Shunan-shi, Japan

Takayuki Shoji, Shunan-shi, Japan

Minoru Kuniyoshi, Yamaguchi-shi, Japan

Eiichi Iwata, Shunan-shi, Japan

Assignment for Published Patent Application:

TOSOH CORPORATION

Verification for the requested corrections is indicated on the Declaration and Power of Attorney and original executed Assignment filed January 18, 2006.

Respectfully submitted,

/L. Raul Tamayo/

L. Raul Tamayo

Registration No. 47,125

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 29, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/565,077✓	01/18/2006✓	1754✓	1050	Q92707✓	4✓	23✓	1✓

CONFIRMATION NO. 3698✓

23373
 SUGHRUE MION, PLLC
 2100 PENNSYLVANIA AVENUE, N.W.
 SUITE 800
 WASHINGTON, DC 20037

FILING RECEIPT



OC000000018785984

Date Mailed: 05/16/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

- ✓ Yasuhiro Fujii, Shunan-shi, JAPAN;
- ✓ Naoto Suzuki, Shunan-shi, JAPAN;
- ✓ Takayuki Shoji, Shunan-shi, JAPAN;
- ✓ Minoru Kuniyoshi, Yamaguchi-shi, JAPAN;
- Eiichi Iwata, Shunan-shi, JAPAN.

Assignment for Published Patent Application: TOSOH CORPORATIONPower of Attorney: The patent practitioners associated with Customer Number 23373.✓

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP04/10238 07/12/2004✓

Foreign Applications

Acceptable Request to Retrieve Priority Application Received?

JAPAN 2003199205 07/18/2003✓
 JAPAN 2003208657 08/25/2003✓

NO
 NO

If Required, Foreign Filing License Granted: 05/12/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/565,077**

Projected Publication Date: 08/24/2006

Non-Publication Request: No

Early Publication Request: No

Title

Lithium-nickel-manganese composite oxide, processes for producing the same, and use of the same

Preliminary Class

423

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier

license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

As a below named inventor, I hereby declare that: My residence, mailing address, and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**LITHIUM-NICKEL-MANGANESE COMPOSITE OXIDE, PROCESSES FOR
PRODUCING THE SAME, AND USE OF THE SAME**

the application of which

☐ is attached hereto OR ☒ was filed on July 12, 2004 as United States Application Number or PCT International Application Number PCT/JP2004/010238 (Confirmation No. _____), and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part application(s), material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application(s) which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application(s) having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date	Priority Claimed	
			Yes	No
P. 2003-199205	Japan	July 18, 2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P. 2003-208657	Japan	August 25, 2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I hereby claim domestic priority benefits under 35 United States Code §120 of any United States application(s), §119(e) of any United States provisional application(s), or §365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge my duty to disclose any information material to the patentability of this application as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. or International Application Number(s)	U.S. or International Filing Date	Status
---	-----------------------------------	--------

I hereby appoint all attorneys of **SUGHRUE MION, PLLC** who are listed under the USPTO Customer Number shown below as my attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, recognizing that the specific attorneys listed under that Customer Number may be changed from time to time at the sole discretion of Sughrue Mion, PLLC, and request that all correspondence about the application be addressed to the address filed under the same USPTO Customer Number.



23373

PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:				
Given Name (first and middle [if any])		Yasuhiro		
Family Name or Surname		FUJII		
Inventor's Signature <i>Yasuhiro Fujii</i>			Date December 20, 2005	
Residence: City	Shunan-shi	State	Yamaguchi	Country Japan
Citizenship		Japan		
Mailing Address: 5536, Oaza Tokuyama, Shunan-shi, Yamaguchi 745-0851 JAPAN				
NAME OF SECOND INVENTOR:				
Given Name (first and middle [if any])		Naoto		
Family Name or Surname		SUZUKI		
Inventor's Signature <i>Naoto Suzuki</i>			Date December 20, 2005	
Residence: City	Shunan-shi	State	Yamaguchi	Country Japan
Citizenship		Japan		
Mailing Address: 2-17-2, Koizumi, Shunan-shi, Yamaguchi 746-0024 JAPAN				
NAME OF THIRD INVENTOR:				
Given Name (first and middle [if any])		Takayuki		
Family Name or Surname		SHOJI		
Inventor's Signature <i>Takayuki Shoji</i>			Date December 20, 2005	
Residence: City	Shunan-shi	State	Yamaguchi	Country Japan
Citizenship		Japan		
Mailing Address: 15-4-102, Doi 2-chome, Shunan-shi, Yamaguchi 746-0011 JAPAN				
NAME OF FOURTH INVENTOR:				
Given Name (first and middle [if any])		Minoru		
Family Name or Surname		KUNIYOSHI		
Inventor's Signature <i>Minoru Kuniyoshi</i>			Date December 20, 2005	
Residence: City	Yamaguchi-shi	State	Yamaguchi	Country Japan
Citizenship		Japan		
Mailing Address: 887-37, Aza Yamanokami, Shimoosaba, Yamaguchi-shi, Yamaguchi 753-0212 JAPAN				
NAME OF FIFTH INVENTOR:				
Given Name (first and middle [if any])		Eiichi		
Family Name or Surname		IWATA		
Inventor's Signature <i>Eiichi Iwata</i>			Date December 20, 2005	
Residence: City	Shunan-shi	State	Yamaguchi	Country Japan
Citizenship		Japan		
Mailing Address: 15-4-205, Doi 2-chome, Shunan-shi, Yamaguchi 746-0011 JAPAN				

ASSIGNMENT

Whereas, I/we, Yasuhiro FUJII, Naoto SUZUKI, Takayuki SHOJI, Minoru KUNIYOSHI and Eiichi IWATA, all of Yamaguchi, Japan

hereinafter called assignor(s), have invented certain improvements in

LITHIUM-NICKEL-MANGANESE COMPOSITE OXIDE, PROCESSES FOR PRODUCING THE SAME, AND USE OF THE SAME

and executed an application for Letters Patent of the United States of America therefor on

December 20, 2005 ; and

Whereas, TOSOH CORPORATION of

4560, Kaiseicho, Shunan-shi, Yamaguchi 746-8501 JAPAN

(assignee), desires to acquire the entire right, title and interest in the application and invention, and to any United States patents to be obtained therefor;

Now therefore, for valuable consideration, receipt whereof is hereby acknowledged,

I/We, the above named assignor(s), hereby sell, assign and transfer to the above named assignee, its successors and assigns, the entire right, title and interest in the application and the invention disclosed therein for the United States of America, including the right to claim priority under 35 U.S.C. § 119, and I/we request the Director - U.S. Patent and Trademark Office to issue any Letters Patent granted upon the invention set forth in the application to the assignee, its successors and assigns; and I/we will execute without further consideration all papers deemed necessary by the assignee in connection with the United States application when called upon to do so by the assignee.

I/We hereby authorize and request my/our attorneys SUGHRUE MION, PLLC of 2100 Pennsylvania Avenue, N.W., Washington, D.C. 20037-3213 to insert here in parentheses (Application number _____, filed _____) the filing date and application number of said application when known.

Date: December 20, 2005 s/ Yasuhiro Fujii

Date: December 20, 2005 s/ Naoto Suzuki

Date: December 20, 2005 s/ Takayuki Shoji

Date: December 20, 2005 s/ Minoru Kuniyoshi

Date: December 20, 2005 s/ Eiichi Iwata